

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 26751-26800

Adulteration, Section 402(a) (1), the article contained an added deleterious substance which may have rendered it injurious to health; Section 402(a) (2), the article, in one case, was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; 402(b) (1), a valuable constituent had been in whole or in part omitted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; Section 408(a), a poisonous or deleterious pesticide chemical had been added to a raw agricultural commodity and no tolerance or exemption from the requirement of a tolerance had been prescribed by the Secretary of Health, Education, and Welfare.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(b), the article was offered for sale under the name of another food; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and (1) it failed to conform to such definition and standard, and (2) its label failed to bear the name of the food specified in the definition and standard; Section 403(h) (2), the article purported to be and was represented as a food for which a standard of fill of container had been prescribed by regulations and it fell below such standard and its label failed to bear a statement that it fell below such standard; Section 403(i), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the food, and (2) it was fabricated from two or more ingredients and its label failed to bear the common name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CEREALS AND CEREAL PRODUCTS

FLOUR

26751. Flour. (F.D.C. No. 44785. S. No. 38-955 R.)

QUANTITY: 87 25-lb. bags at West Helena, Ark.

SHIPPED: 5-12-60 and 6-3-60, from Yukon, Okla.

LIBELED: 8-30-60, E. Dist. Ark.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 9-21-60. Default—delivered to a public institution for use as animal feed.